

# Frequently Asked QUESTIONS

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## What is the Environmental Management Ordinance?

The Environmental Management Ordinance was adopted by the City in 1992 to comply with the Virginia Chesapeake Bay Preservation Area Designation and Management Regulations. The purpose of these regulations is to help protect the Chesapeake Bay and our local streams from pollution caused by changes in land use. The regulations establish two levels of protection.



■ **Resource Protection Areas.** RPAs are sensitive environmental corridors that should be preserved in a natural condition. The City adopted an RPA map in 1992 based on criteria provided in the regulations.

■ **Resource Management Areas.** The remainder of the City has been designated as an RMA. RMAs do not regulate the type of development that can occur. However, all development and redevelopment must engage in land management techniques designed to minimize adverse impacts on water quality.

## Why are the amendments to the ordinance necessary and what has changed?

Recently, the Chesapeake Bay Local Assistance Board (CBLAB), the State oversight entity, adopted changes to the regulations. To comply with these changes, the City must approve amendments to the Environmental Management Ordinance.

A key change in the State regulations is that a 100-foot RPA buffer must now be designated around all "waterbodies with perennial flow." This differs from the existing requirement that protects all "tributary streams." As a result of this definition change, the scope of the City's RPAs will also change. In addition to the minimum

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State requirements, the City is also proposing to protect natural intermittent streams with a 50 foot buffer area.

## What is a perennial stream versus an intermittent stream?

A perennial stream is a body of water that flows year-round during a year of normal precipitation. Generally, groundwater is the primary source for stream flow. An intermittent stream is any natural or engineered channel with flowing water during certain times of the year, when groundwater provides for stream flow. During dry periods, intermittent streams may not have flowing water or may only have flowing water after a storm event.

## Why did the City choose to protect natural intermittent streams?

Intermittent streams are often the most critical in terms of protecting downstream water quality and living resources. Intermittent streams with vegetated buffers assist in reducing sediments and nutrients delivered to larger streams, help prevent flooding, and provide valuable aquatic habitats. The 50 foot buffer is based on the findings of the 1998 Chesapeake Bay Riparian Handbook and is considered the "minimum" necessary to afford habitat protection benefits and nutrient and sediment load reductions.

## How will the amendments affect my property?

Unless you are proposing to develop or redevelop your property, most homeowners will only be affected by the amendments if the property is located within an RPA. As a result of the new State regulations, the City has added approximately 1.8 miles of new RPAs and lost approximately 0.3 miles of existing RPAs. A location map of identified perennial and intermittent streams can be found at [www.ci.alexandria.va.us/tes/eq/environmental\\_management\\_ordinance.html](http://www.ci.alexandria.va.us/tes/eq/environmental_management_ordinance.html).

## How did the City map these streams?

The City conducted an assessment of over 13.6 stream miles during the fall of 2004, classifying each stream as perennial, intermittent, or ephemeral based on protocols acceptable to the Chesapeake Bay Local Assistance Board. Streams classified as perennial became the basis of the new RPA map.



# Understanding Proposed Amendments to Alexandria's Environmental Management Ordinance

Information for City of Alexandria homeowners.

March 22, 2004



City of Alexandria Department of  
Transportation & Environmental Services  
Division of Environmental Quality  
301 King Street - City Hall Room 3900  
Alexandria, Virginia 22314  
(703) 838-4334

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### What if the map doesn't show an RPA on my property?

The map is only a guidance tool. If you are proposing a land disturbing activity on your property, you will still need to have someone assess whether there is a stream or a wetland on your property.

### What if I disagree with the City's mapping results?

Any property owner who feels that the mapping results are in error may have a qualified professional perform a field test using City approved protocols. The City will take the results of the new information into consideration in making a decision about whether an RPA feature exists.



### What am I allowed to do in the RPA area?

All land uses and structures within the RPA that exist at the time of ordinance adoption may continue as "non-conforming" uses. Property owners may also engage in passive recreational activities such as fishing, bird watching, hiking, boating, and canoeing. Except under very specific circumstances, new development in the RPA is limited to those that are considered "water dependent uses."

All land disturbing activities proposed in the RPA must first be approved by the City. The property owner will need to submit a Water Quality Impact Assessment explaining the impacts of the activity and what actions will be taken to reduce these impacts.

### If my home is in an RPA, can I still make an addition?

Under certain circumstances, the answer is yes. For lots that existed before March 2002, minor additions can be made to the principal structure as long as it remains

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intact and the modification is compatible in bulk and scale to the surrounding neighborhood. Examples are attached sun rooms, decks, garages, carports, and minor room additions. Larger additions will require an exception to the ordinance. In all cases, the addition must first be approved by the City.



### Are decks allowed in the RPA?

Yes, but only if it is attached to the principal structure and approved by the City. Otherwise, the deck must be approved through the exceptions process.

### Are new sheds allowed within an RPA?

Sheds are considered to be accessory structures and may not be built without an exception to the ordinance. An existing shed may continue to be maintained, but may not be expanded.

### Can I remove vegetation within an RPA?

In accordance with State regulations, existing vegetation may be removed only if approved by the City and only to provide for reasonable sight lines, access paths, removal of invasive plant species, general woodlot management, and best management practices to prevent erosion. The City determines what is reasonable through guidance provided by the Chesapeake Bay Local Assistance Board.

### What if I want to redevelop my property?

You may redevelop your property as long as there is no additional encroachment into the RPA and no increase in pollution. The redevelopment must also be found compatible with the City's Master Plan.

### What if the new RPA buffer prevents me from being able to develop my property?

The ordinance contains specific provisions to handle cases where applying the RPA would mean the loss of buildable area. For lots

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that existed before March 2002, the ordinance allows an encroachment into the first 50 feet of the RPA only if it is found that there is no other reasonable alternative and measures are taken to mitigate the impacts on water quality. Any encroachment greater than 50 feet must go through an exceptions process.

### What is the exception process?

While exceptions to the ordinance's RMA requirements are handled administratively by the City, exceptions to the RPA requirements must be heard by the Planning Commission at a public hearing. This hearing process is a new State mandate.

### When will the amendments become effective?

The City must adopt amendments before June 30, 2004. However, the City has proposed to begin enforcement of the new RPA requirements at the time of the map release, which occurred on February 23, 2004.

### Are there penalties for violating RPA restrictions.

Non-compliance with the ordinance may result in civil and criminal penalties. Violators will also be required to restore RPAs in accordance with City guidelines.

### Where can I get additional information?

Additional information can be found at [www.ci.alexandria.va.us/tes/eq](http://www.ci.alexandria.va.us/tes/eq) or by calling (703) 838-4334.

The current proposed schedule calls for a public hearing by the Planning Commission on May 4th and a public hearing by the City Council on May 15th. Adoption is tentatively scheduled for June. Written comments may also be provided to the Division of Environmental Quality, 301 King Street, Room 3900, Alexandria, Virginia 22314.